

FILED
NOV 18 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. Jiri

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H-3816 SAC
KING'S WAY FINANCIAL CORPORATION,	)	OAH No. N-2003060329
ISHMAL STEWART BARTLEY,	)	
Respondents.	)	

DISMISSAL

The Statement of Issues herein filed on May 17,, 2003,
as to Respondent KING'S WAY FINANCIAL CORPORATION only is
DISMISSED.

IT IS SO ORDERED November 12, 2003.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

Paula Reddish

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
SEP 19 2003

DEPARTMENT OF REAL ESTATE

By Laurie J. [Signature]

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA
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11 * * *

12 In the Matter of the Application of)
13 KING'S WAY FINANCIAL CORPORATION,) NO. H-3816 SAC
14 ISHMAL STEWART BARTLEY,) STIPULATION AND WAIVER
15 Respondents.)

16 It is hereby stipulated by and between KING'S WAY
17 FINANCIAL CORPORATION (hereinafter "Respondent FINANCIAL"),
18 ISHMAL STEWART BARTLEY (hereinafter "Respondent BARTLEY") and
19 their attorney, Otis C. Benning, and the Complainant, acting by
20 and through David A. Peters, Counsel for the Department of Real
21 Estate, as follows for the purpose of settling and disposing of
22 the Statement of Issues filed May 17, 2003 in this matter.

23 A. Respondents FINANCIAL and BARTLEY acknowledge
24 that they have received and read the Statement of Issues and the
25 Statement to Respondent filed by the Department of Real Estate
26 in connection with this application for a real estate broker
27 corporation license for Respondent FINANCIAL and for a

1 designated broker-officer license for Respondent BARTLEY.
2 Respondents FINANCIAL and BARTLEY understand that the Real
3 Estate Commissioner may hold a hearing on this Statement of
4 Issues for the purpose of requiring further proof of
5 Respondents' honesty and truthfulness and to prove other
6 allegations therein, or that she may in her discretion waive the
7 hearing and grant Respondent FINANCIAL a restricted real estate
8 broker corporation license and Respondent BARTLEY a restricted
9 designated broker-officer license for Respondent FINANCIAL based
10 upon this Stipulation and Waiver. Respondents FINANCIAL and
11 BARTLEY also understand that by filing the Statement of Issues
12 in this matter the Real Estate Commissioner is shifting the
13 burden to Respondents FINANCIAL and BARTLEY to make a
14 satisfactory showing that Respondents FINANCIAL and BARTLEY meet
15 all the requirements for issuance of a real estate broker
16 corporation license to Respondent FINANCIAL and all the
17 requirements for a designated broker-officer license to
18 Respondent BARTLEY. Respondents FINANCIAL and BARTLEY further
19 understand that by entering into this Stipulation and Waiver,
20 Respondents FINANCIAL and BARTLEY will be stipulating that the
21 Real Estate Commissioner has found that Respondents FINANCIAL
22 and BARTLEY have failed to make such a showing, thereby
23 justifying the denial of the issuance to Respondents of
24 unrestricted real estate broker licenses.

25 B. Respondents FINANCIAL and BARTLEY hereby admit
26 that the allegations contained in Paragraphs V and VII of the
27 Statement of Issues filed against Respondents FINANCIAL and

1 BARTLEY are true and correct and requests that the Real Estate
2 Commissioner in her discretion issue a restricted broker
3 corporation license to Respondent FINANCIAL and a designated
4 broker-officer license to Respondent BARTLEY under the authority
5 of Section 10156.5 of the Business and Professions Code.

6 C. Respondents FINANCIAL and BARTLEY are aware that
7 by signing this Stipulation and Waiver, Respondents FINANCIAL
8 and BARTLEY are waiving Respondents' right to a hearing and the
9 opportunity to present evidence at the hearing to establish
10 Respondents' rehabilitation in order to obtain unrestricted real
11 estate broker licenses if this Stipulation and Waiver is
12 accepted by the Real Estate Commissioner. However, in the event
13 that this Stipulation and Waiver is not accepted by the
14 Commissioner, this Stipulation shall be cancelled and shall not
15 be binding upon Respondents FINANCIAL and BARTLEY for any
16 purpose whatsoever, and there shall be no waiver by Respondents
17 FINANCIAL and BARTLEY of their right to a hearing and to further
18 proceedings to obtain a restricted or unrestricted license.

19 D. Respondents FINANCIAL and BARTLEY further
20 understand that the following conditions, limitations, and
21 restrictions will attach to any restricted licenses issued by
22 the Department of real estate pursuant hereto:

- 23 1. The licenses shall not confer any property
24 right in the privileges to be exercised
25 including the right of renewal, and the Real
26 Estate Commissioner may by appropriate order
27 suspend the right to exercise any privileges

1 granted under these restricted licenses in the
2 event of:

- 3 a. The conviction of Respondent FINANCIAL
4 and/or Respondent BARTLEY (including a plea
5 of nolo contendere) to a crime which bears
6 a substantial relationship to Respondents'
7 fitness or capacity as real estate
8 licensees; or
9 b. The receipt of evidence that Respondent
10 FINANCIAL and/or Respondent BARTLEY
11 has/have violated provisions of the
12 California Real Estate Law, the Subdivided
13 Lands Law, Regulations of the Real Estate
14 Commissioner, or conditions attaching to
15 this restricted licenses.

- 16 2. Respondents FINANCIAL and BARTLEY shall not be
17 eligible to apply for the issuance of an
18 unrestricted real estate license nor the
19 removal of any of the conditions, limitations
20 or restrictions attaching to the restricted
21 license until two years have elapsed from the
22 date of issuance of the restricted licenses to
23 Respondents FINANCIAL and BARTLEY.

24 8/27/03

25 DATED

26 *David A. Peters*

DAVID A. PETERS, COUNSEL
DEPARTMENT OF REAL ESTATE

27 ///

* * *

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

08/18/03

DATED

Ishmal Stewart Bartley

KING'S WAY FINANCIAL CORPORATION
Respondent

By: Ishmal Stewart Bartley

DATED

ISHMAL STEWART BARTLEY
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

08-14-03

DATED

Otis C. Benning

OTIS C. BENNING
Attorney for Respondents

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1 * * *

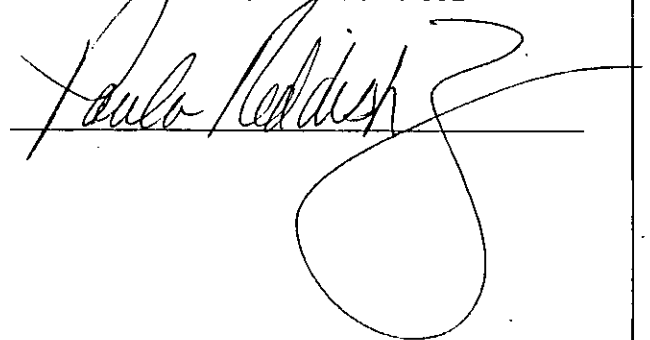
2 I have read the Statement of Issues filed herein and
3 the foregoing Stipulation and Waiver signed by Respondent. I am
4 satisfied that the hearing for the purpose of requiring further
5 proof as to the honesty and truthfulness of Respondent need
6 not be called and that it will not be inimical to the public
7 interest to issue a restricted real estate broker corporation
8 license to Respondent FINANCIAL and a restricted designated
9 broker-officer license to Respondent BARTLEY.

10 Therefore, IT IS HEREBY ORDERED that a restricted real
11 estate broker license be issued to Respondent FINANCIAL and a
12 restricted designated broker-officer license be issued to
13 Respondent BARTLEY, if Respondents have otherwise fulfilled all
14 of the statutory requirements for licensure. The restricted
15 licenses shall be limited, conditioned, and restricted as
16 specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED September 15, 2003.

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JUL 21 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

KING'S WAY FINANCIAL CORPORATION,
ISHMAL STEWART BARTLEY,

Case No. H-3816 SAC

OAH No. N-2003060329

Respondents

**FIRST AMENDED
NOTICE OF HEARING ON APPLICATION**

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814** on **WEDNESDAY, SEPTEMBER 24, 2003**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: JULY 21, 2003

DEPARTMENT OF REAL ESTATE

By

David A. Peters

DAVID A. PETERS, Counsel

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JUN 26 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

KING'S WAY FINANCIAL CORPORATION,
ISHMAL STEWART BARTLEY,

Case No. H-3816 SAC

OAH No. N-2003060329

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814** on **FRIDAY, AUGUST 1, 2003**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JUNE 26, 2003

By

David A. Peters
DAVID A. PETERS, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
MAY 17 2003

DEPARTMENT OF REAL ESTATE

By *Thurman G. Grier*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

) No. H-3816 SAC

12 KING'S WAY FINANCIAL CORPORATION,)
13 ISHMAL STEWART BARTLEY,)

) STATEMENT OF ISSUES

14 Respondents.)
15)

16 The Complainant, Charles W. Koenig, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against KING'S WAY FINANCIAL CORPORATION (hereinafter
19 "Respondent FINANCIAL") and ISHMAL STEWART BARTLEY (hereinafter
20 "Respondent BARTLEY") alleges as follows:

21 I

22 Respondent FINANCIAL made application to the
23 Department of Real Estate of the State of California for a real
24 estate broker corporation license on or about December 6, 2002.

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1 II

2 Respondent BARTLEY made application to the Department
3 of Real Estate of the State of California for a designated
4 broker-officer license for Respondent FINANCIAL.

5 III

6 Complainant, Charles W. Koenig, a Deputy Real Estate
7 Commissioner of the State of California, makes this Statement of
8 Issues in his official capacity.

9 IV

10 Beginning on or before December 6, 2002 and continuing
11 thereafter, Respondent BARTLEY was an officer, director, or
12 person owning or controlling ten percent (10%) or more of
13 Respondent's corporate stock.

14 V

15 On or about February 10, 1993, in the Superior Court
16 of California, County of Riverside, Respondent BARTLEY was
17 convicted of a violation of Section 12020(a) of the California
18 Penal Code (Possession of Dangerous Weapon - Sawed Off Shotgun),
19 a crime involving moral turpitude and/or which bears a
20 substantial relationship under Section 2910, Title 10,
21 California Code of Regulations, to the qualifications, functions
22 or duties of a real estate licensee.

23 VI

24 On or about February 24, 1993, in the Superior Court
25 of California, County of Riverside, Respondent BARTLEY was
26 convicted of a violation of Section 11352(a) of the California
27 Health and Safety Code (Transport/Sell Narcotic/Controlled

1 Substance), a crime involving moral turpitude and/or which bears
2 a substantial relationship under Section 2910, Title 10,
3 California Code of Regulations, to the qualifications, functions
4 or duties of a real estate licensee.

5 VII

6 On or about January 17, 1995, in the Superior Court of
7 California, County of Riverside, Respondent BARTLEY was
8 convicted of violations of Section 12025(a) of the California
9 Penal Code (Carry Concealed Weapon in Vehicle) and Section
10 12031(a) of the California Penal Code (Carry Loaded Firearm in
11 Public Place), crimes involving moral turpitude and/or which
12 bear a substantial relationship under Section 2910, Title 10,
13 California Code of Regulations, to the qualifications, functions
14 or duties of a real estate licensee.

15 VIII

16 On or about June 2, 1995, in the Superior Court of
17 California, County of Riverside, Respondent BARTLEY was
18 convicted of a violation of Section 11351.5 of the California
19 Health and Safety Code (Possession of Cocaine Base For Sale), a
20 crime involving moral turpitude and which bears a substantial
21 relationship under Section 2910, Title 10, California Code of
22 Regulations, to the qualifications, functions or duties of a
23 real estate licensee.

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27 ///

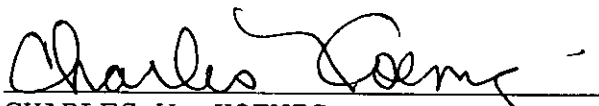
IX

The crimes of which Respondent BARTLEY was convicted, as alleged above, constitute cause for denial of Respondent FINANCIAL's application for a real estate license under Section 10177(f) of the Code.

X

The crimes of which Respondent BARTLEY was convicted, as alleged above, constitute cause for denial of Respondent BARTLEY's application for a designated broker-officer license under Sections 480(a) and 10177(b) of the Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate licenses to Respondents, and for such other and further relief as may be proper in the premises.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 13th day of May, 2003.